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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,961	09/26/2003	Robert A. Jesse	TKG4039	7263

30245 7590 03/22/2005

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/671,961

Applicant(s)

JESSE, ROBERT A.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

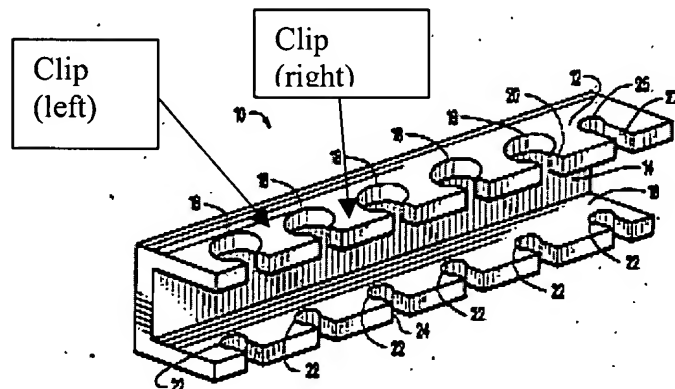
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 10-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryson et al. (4,871,074; hereinafter Bryson'074). Bryson'074 discloses a storage device (10) comprising a base (14) having a front, a back, opposing sides and opposing ends, a plurality of clip (see below) with each clip attached to the front of the base, a shelf (16) having opposing sides with one of the opposing sides attached to one of the opposing ends of the front of the base and a middle having holes (22). The storage device of Bryson'074 is inherently capable of supporting at least one syringe. As to claims 7 and 15, at least a portion of the front of the base of the device of Bryson'074 is capable to be used as a dry erase board or can be written on by a dry erase pen or a water-soluble pen. As to claims 10 and 11, the clip of Bryson'074 is inherently capable to fit a syringe body and the hole is inherently capable to fit a needle cover.



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3. Claims 1-5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grikis et al. (4,606,455; hereinafter Grikis'455). Grikis'455 discloses a storage device (10, 12) comprising a base (16) having a front, a back, opposing sides and opposing ends, a clip (18) attached to the front of the base, a shelf (20) having opposing sides with one of the opposing sides attached to one of the opposing ends of the front of the base and a middle having a hole (30). The storage device of Grikis'455 is inherently capable of supporting at least one syringe. As to claim 7, at least a portion of the front of the base of the device of Grikis'455 is capable to be used as a dry erase board. As to claims 10 and 11, the clip of Grikis'455 is inherently capable to fit a syringe body and the hole is inherently capable to fit a needle cover.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. (4,871,074; hereinafter Bryson'074) in view of Crosson, Jr. (5,678,700). Bryson'074 discloses the storage device (10) as above having all the limitations of the claims except for the base comprises a plurality of mounting holes. Crosson, Jr. shows a hanger (26) having a plurality of mounting holes (32, 66) for attaching the hanger to a support surface. It would have been obvious to one having ordinary skill in the art in view of Crosson, Jr. to modify

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the device of Bryson'074 so the base includes a plurality of mounting holes for attaching the device to a support surface and for better securing the device.

6. Claims 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. (4,871,074; hereinafter Bryson'074) in view of Suida (5,311,985). Bryson'074 discloses the storage device (10) as above having all the limitations of the claims except for the base comprises an adhesive tab with a peel off backing. Suida teaches a support device comprising a base (12) having a back surface and an adhesive tab (16) attached to the back surface. The adhesive tab having a peel off backing (18) removably attached to the back of the adhesive tab (Figures 1-2). It would have been obvious to one having ordinary skill in the art in view of Suida to modify the device of Bryson'074 so the back of the base includes an adhesive tab with a peel off backing to facilitate attaching the base to a support surface and to prevent the base from moving.

Allowable Subject Matter

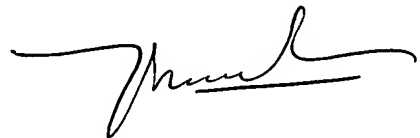
7. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Marilyn Watts at (571) 272-4398.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a stylized flourish extending from the end.

lkb
March 18, 2005

Luan K. Bui
Primary Examiner